

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:22-cr-00119-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTOINE STATON,

Defendant.

ORDER

This matter comes before the court on Defendant's pro se motion. [DE 96]. Defendant alleges that the Bureau of Prisons ("BOP") has erroneously failed to apply Earned Time Credits to his projected release date pursuant to the First Step Act. *Id.* A closed criminal case is not the appropriate avenue through which to challenge the application of Earned Time Credits. If Defendant wishes to bring these arguments before the court, he may file a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Further, Defendant has not shown that he exhausted all available administrative remedies. *See Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 490–91 (1973); *see also McClung v. Shearin*, 90 F.App'x 444, 445 (4th Cir. 2004) ("Federal prisoners must exhaust their administrative remedies prior to filing § 2241 petitions."). Accordingly, the motion is DENIED WITHOUT PREJUDICE.

SO ORDERED this 2^d day of December, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE